

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

MORGAN ADVANCED CERAMICS, INC.

Plaintiff,

v.

AUSTIN B. SAYRE, JR., ET AL.,

Defendants.

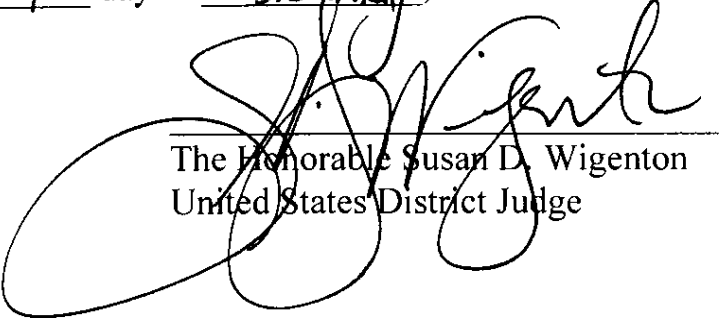
CIVIL ACTION FILE NO.
2:07-cv-04761 (SDW)

ORDER

Upon review of the “Motion to Stay Litigation and Compel Arbitration Pursuant to 9 U.S.C. § 1 Et Seq.” filed by the Defendants (hereafter the “Motion to Compel Arbitration”), the “Motion to Dismiss Count I (CERCLA) of the Complaint or, in the Alternative, to Either Submit it to Arbitration or Stay It” filed by Defendants Austin B. Sayre, Jr. and F. Stuart Sayre and the “Motion to Dismiss Count I of Plaintiff’s Complaint Pursuant to Fed. R. Civ. 12(b)(6)” filed by Defendant Peter J. Rozema (hereafter jointly referred to as “the Motions to Dismiss”), all of the briefing submitted by the parties in regard to such motions, and having heard argument of counsel on such motions on February 10, 2009, it is hereby

ORDERED, ADJUDGED AND DECREED that the Defendants' Motion to Compel Arbitration is DENIED and the Motions to Dismiss filed by Defendants Austin B. Sayre, Jr., F. Stuart Sayre, and Peter J. Rozema are DENIED.*

SO ORDERED this 18th day of FEBRUARY, 2009.



The Honorable Susan D. Wigenton
United States District Judge

Copies to all counsel of record

* For the reasons set forth on the record on February 10, 2009.